

## CONFIDENTIAL DECLARATION OF GARY UNDERWOOD TO EPA

I, (b) (6), declare as follows:

I am a resident of Waimea, County of Kauai, State of Hawaii. I have been married to (b) (6) for 14 years.

We live in a neighborhood where everybody looks out for everyone. You don't have to ask for help. They are here for you. Your neighbors could be riding down the road and if you are doing something, they will stop to help. It's that kind of neighborhood and we love it here.

We moved to Waimea after visiting for years and we fell in love with this side of the island. Once we moved in, it was perfect. Everything fit. Of course we brought a lot more things than we should have.

But every morning we would wake up and smell an odor. At first, I didn't associate it with anything. I thought maybe someone was burning garbage somewhere in the neighborhood and we're just getting the odors from that. But it was almost every morning and I would have a headache. I'd be coughing, my eyes were watering, the dogs' eyes were constantly running. (b) (6) would wake up with headaches practically every morning.

And we had to wipe the dust off the dining room table every morning, and wipe the countertops with Windex and paper towels, and 4 to 5 hours later we would have to do the same thing again because we would run our hands over it and the film with brown-reddish dirt had to be cleaned all over again.

We were informed about the chemical companies' operations here on the West Side in early 2010, two years after moving in. (b) (6) came by with a petition and asked me if I would sign it. The petition was about the chemicals and dust that these companies were creating in the neighborhood.

(b) (6) asked me if I had been effected by the pesticide drift and I said, "Oh yes, we're constantly cleaning here and the odors in the morning are just awful."

When I found out what the companies were doing, I was angry that it was being allowed. And when I questioned neighbors, they informed me that it had been going on since the late 1990s. I thought, well how can they allow this to happen for 10- to 15 years and not have anyone do something about it? How can they allow this to happen? I was just angry and depressed at the same time.

I thought something would happen with the petition and these companies would stop their outdoor experiments. We have 1,000 people in Waimea who are unhappy with the situation that is going on with Pioneer's farming practices and we've got to put some kind of a lid on it. But they did nothing to modify their farming practices or help us.

Then Waimea Canyon Middle School was evacuated once when Syngentas' pesticides

drifted over the classrooms. I think the school incident grouped everyone together and we felt we'd had enough and we have to do something about it. That's when a group of probably 40 of us met and decided to contact an attorney. From there it grew into a lawsuit.

I wasn't aware, nor was anyone in the beginning, that it was just dust that would be covered at trial. We thought that everything was to be covered during the trial, damage to our properties, the environment, our health, everything.

When the Pioneer attorneys deposed us, I'd say 75% of the questions I was asked in the deposition had to do with health. Then when we get to court, we find out we cannot mention anything about health or chemicals, only dust and our daily cleaning project we have to do everyday. That was the federal judge's ruling. Maybe she just wanted to keep it simple..

We testified at the trial. I was not feeling that we'd get the whole story and the truth across because we were limited in what we could say. You were asked a question and you had to really concentrate not to go against the judge's rule.

I was extremely surprised at the verdict, at how fast it came in, because the jurors were given 17-18 pages of instructions and they had to calculate damages for each individual plaintiff. It had to take them at least 2 days to figure it out, in my mind. But they came in probably within 8 hours of deliberation. I was shocked when I heard the verdict. I thought, God bless them. They saw through the charade that was being presented by Pioneer. They saw through Pioneer's smoke.

Our lawsuit was never about the money. All I wanted them to do was to be respectful to us, to modify their operations so their dust and chemicals aren't constantly blowing over our homes, which are just about 500 yards west of their fields.

Their lawyers said we are money grabbers. That was not our reasons. We just wanted them to be good neighbors and keep their chemicals away from us. They are poisoning people.

If they existed at all, their dust barriers/fences were supposed to be 12 feet high. There is nothing there to prevent the dust from blowing in our direction. The measures they took to prevent the dust and chemicals from going in our direction, were hardly sufficient, a 12 ft barrier is not going to prevent a dust cloud that travels 100 feet into the air (which we've witnessed on several occasions) from drifting and hovering over the valley for extended periods of time.

It may take the FDA and EPA 20 years to figure this out, or admit it, that the practices that these companies are employing are harmful to humans and the environment. How many people will become ill or die before they do something about it.. How long did it take them to figure out that Agent Orange was responsible for birth defects in newborns and certain cancers in the military personnel . It took them 30 years.

If these companies can do their experiments in a safe manner, I wouldn't mind them being here. But if they are going to continue and be allowed to operate their outdoor laboratories in an unsafe manner, then we don't want them here.

I, (b) (6) declare under penalty of law that the foregoing facts are true to the best of my knowledge.

DATED: November 11, 2017

(b) (6)

